

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
VALDOSTA DIVISION**

MAKAYLA MARX,

Plaintiff,

v.

**GEORGIA DEPARTMENT
OF CORRECTIONS,**

Defendant.

Civil Action No. 7:12-CV-92 (HL)

ORDER

Simply put, the docket in this case is a mess. Plaintiff has filed four complaints, there are two motions to dismiss pending, and two identical motions to amend have been filed. In an effort to clean up the mess and get to the merits of the case, the Court rules as follows:

1. Defendant's Motion to Strike Plaintiff's First and Second Amended Complaints (Doc. 17) is denied. Plaintiff did eventually file a motion to amend her complaint, so the Court will not strike the complaints outright.

2. Plaintiff's Motion to Amend Complaint (Doc. 20) is granted solely for the purpose of clarifying the record. Plaintiff's Second Amended Complaint (Doc. 14), which incorporates Plaintiff's First Amended Complaint (Doc. 13), will now govern this case. Plaintiff is directed to serve the Defendants as provided by the

Federal Rules of Civil Procedure. Plaintiff's Motion to Amend filed at Doc. 21 is denied as moot, as it appears to be a duplicate of the motion at Doc. 20.

3. Because the Court granted Plaintiff's Motion to Amend, Defendant's Motion to Dismiss Complaint (Doc. 8), which relates to the two *pro se* complaints filed by Plaintiff, is denied as moot.

4. Defendant's Motion to Dismiss Plaintiff's First and Second Amended Complaints (Doc. 18) is denied, but Defendant will have the right to re-file a motion to dismiss, along with Defendants Danforth and Orr, once all of the Defendants are served with the amended complaints.

It did not go unnoticed by the Court that Plaintiff's responses to Defendant's Motion to Strike and Defendant's Motion to Dismiss Plaintiff's First and Second Amended Complaints were both untimely. Any future untimely filings will not be considered by the Court.

Discovery in this case remains stayed until further order of the Court.

SO ORDERED, this the 18th of April, 2013.

s/ Hugh Lawson
HUGH LAWSON, SENIOR JUDGE

mbh